

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Zachary Herman	Team: Squad #11	CCRB Case #: 201902127	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 02/27/2019 1:30 PM	Location of Incident: In front of 15 West Burnside Avenue	Precinct: 46	18 Mo. SOL 8/27/2020	EO SOL 4/13/2021	
Date/Time CV Reported Mon, 03/11/2019 12:54 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Mon, 03/11/2019 12:54 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Brendan Murphy	13053	955237	046 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Michael Mcauliffe	29725	925901	046 PCT
2. POM Shahid Khan	07773	955004	046 PCT
3. LT John Lewis	00000	924073	046 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Brendan Murphy	Abuse: Police Officer Brendan Murphy failed to provide § 87(2)(b) with a business card.	[REDACTED]
B.POM Brendan Murphy	Abuse: Police Officer Brendan Murphy refused to provide his shield number to § 87(2)(b)	[REDACTED]
C.POM Brendan Murphy	Abuse: Police Officer Brendan Murphy refused to provide his name to § 87(2)(b)	[REDACTED]

## Case Summary

On March 11, 2019, § 87(2)(b) filed this complaint with the CCRB via the CCRB's on-line website.

On February 27, 2019, § 87(2)(b) was in the vicinity of 15 West Burnside Avenue in the Bronx. She observed an unidentified elderly female on the ground, bleeding from the head. § 87(2)(b) observed several unidentified individuals attempt to assist this female. After approximately ten minutes, a marked police vehicle arrived on scene. Two police officers, PO Michael McAuliffe and PO Shahid Khan, exited the vehicle, and approached the bleeding female. While PO Khan attempted to assist the female, PO McAuliffe stood nearby. § 87(2)(b) approached PO McAuliffe and after a brief interaction, requested his name and shield number, which he provided.

Between eight and ten minutes after the first police vehicle arrived, PO Brendan Murphy and Lieutenant John Lewis arrived. Both officers stood near their vehicle. § 87(2)(b) approached PO Murphy and asked him if he was going to do anything to help, PO Murphy did not respond. § 87(2)(b) repeated her request, and asked for a business card from PO Murphy. PO Murphy allegedly responded to § 87(2)(b) "what card?" § 87(2)(b) then told him he was supposed to carry business cards, and asked if he had any. PO Murphy allegedly then provided § 87(2)(b) a blank business card with no information for the officer listed (**Allegation A: Abuse of Authority**, § 87(2)(g)).

Lieutenant Lewis then told PO Murphy they were going to leave. As PO Murphy turned to leave, § 87(2)(b) requested PO Murphy's name and shield number. PO Murphy allegedly did not provide this information to § 87(2)(b) and returned to his vehicle (**Allegations B and C: Abuse of Authority**, § 87(2)(g)). PO Murphy and Lieutenant Lewis then drove away.

No video evidence was obtained in the course of this investigation.

## Findings and Recommendations

### **Allegation (A) Abuse of Authority: Police Officer Brendan Murphy refused to provide a business card to § 87(2)(b)**

§ 87(2)(b) testified that she requested a business card from PO Murphy, and that after a second request he provided her a blank business card. Lieutenant Lewis was standing nearby when she asked PO Murphy for his business card. PO Murphy did not provide § 87(2)(b) with a completed business card (BR01). § 87(2)(b) took a photograph of the front and back of the blank business card and provided it to the CCRB (BR07).

PO Murphy testified he was speaking with emergency medical technicians and other police officers regarding the bleeding female on the ground when a female approached him and demanded a business card. He responded by providing his name and shield number. PO Murphy stated in his interview that he did not provide § 87(2)(b) with a business card because it was not his understanding of police department procedure that he was obligated to provide § 87(2)(b).

with a business card in the context in which she requested it. PO Murphy stated in his interview that received training regarding the provision of business cards within one year of conducting his interview on April 4, 2019 (BR03).

Lieutenant Lewis did not recall interacting with any civilians on scene. He did not recall § 87(2)(b) when shown a photograph of her, and did not recall any civilians asking any officers for business cards while he was on scene. He stated he did not believe that a police officer would be obligated to provide a business card in the context of this incident (BR02).

According to New York City Police Department Patrol Guide Section 203-09, per the “Additional Data” section, members [of service] are also to provide business cards, as appropriate, at the request of members of the public (BR04).

§ 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Allegation (B) Abuse of Authority: Police Officer Brendan Murphy refused to provide his shield number to § 87(2)(b)**

**Allegation (C) Abuse of Authority: Police Officer Brendan Murphy refused to provide his name to § 87(2)(b)**

§ 87(2)(b) testified as PO Murphy was beginning to turn and walk away from her, she requested he provide his name and shield number to her. PO Murphy did not respond to her request for his name and shield number (BR01).

PO Murphy testified that as he spoke with emergency medical technicians and police officers on scene with Lieutenant Lewis, a female, identified by the investigation as § 87(2)(b) approached him and requested a business card. He stated he verbally provided his name and shield number to § 87(2)(b). He stated as § 87(2)(b) argued with him regarding whether he was obligated to provide her with a pen, he provided her his name and shield number again (BR03).

Lieutenant Lewis testified he did not recall any civilians asking for any officers’ names or shield numbers while he was on the scene. Lieutenant Lewis did not recall § 87(2)(b) upon being shown a picture of her taken at the CCRB (BR02).

§ 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

### **Civilian and Officer CCRB Histories**

- This is the first case filed at the CCRB by § 87(2)(b) (BR05).
- PO Murphy has been a member of service for five years and has been the subject of seven CCRB cases with twenty total allegations with no substantiations. PO Murphy currently has three active cases at the CCRB, with nine allegations pending against him. In an active CCRB Case, CCRB Case No. 201900240, also contains refusal to provide name and refusal to provide shield number allegations.

### **Mediation, Civil and Criminal Histories**

- § 87(2)(b) the only victim in this case, refused mediation § 87(2)(b)
- A FOIL request for any notices of claim filed regarding this case was submitted to the New York City Office of the Comptroller on April 5, 2019. The results of this request will be added to the case file upon their receipt.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

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Squad No.: 11

Investigator:	_____ Signature	_____ Print Title & Name	_____ Date
Squad Leader:	_____ Signature	_____ Print Title & Name	_____ Date
Reviewer:	_____ Signature	_____ Print Title & Name	_____ Date